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ABSTRACT

This paper, intended for school superintendents, addresses educational concerns associated with the Emergency Immigrant Education Act. The article discusses the background and application of the act, emphasizing the fact that immigrant students affect areas such as distribution of resources, curriculum development, pedagogy, teacher preparation, and classroom space. It describes Title VII of the Elementary and Secondary Education Act and the reauthorization of the act and its intent to assist eligible local education agencies that experience unexpectedly large increases in their student populations due to immigration. The report discusses the students served by Title VII, the six states that educate the bulk of immigrant students, the special curricular needs for these students, and what should be known about immigrant students. The report outlines the problems in trying to study immigrant funding and student outcomes--problems such as access to funds, the ambivalence brought about by flexibility in policy, and the difficulty in reliable accountability studies. As the primary strategist for the school district, the superintendent must be able to formulate major priorities, directions, general programs, projects, and conceptualizations for the administration of the district's mission and goals. By doing so, superintendents can enhance systemic reform. (Contains 32 references.) (RJM)

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[Landerman, Paul; Sonnen, Arlene M.]

The President of the United States is required to be multi-functional. He is, for example, required to be Commander-in-Chief of the armed forces, whether or not he has any experience in military management or command. He must, likewise, be cognizant of foreign relations and the requirements of treaties, relationships with other countries, and related functions to keep both enemies and allies balanced. The superintendent of a public school district must also be multi-functional. Superintendents must be able to understand and administer budgets, be aware of human resource laws and regulations, and be the instructional leader of the school district. As an instructional leader, it may be assumed that a superintendent is competent in curriculum design, curriculum foundations and educational philosophies and human development theory. While a President of the United States may not necessarily bring to the job a complete set of skills born of actual experience in commanding armed forces, so might a superintendent not be fully experienced in

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curriculum design or development. In either case, those offices rely upon and delegate functional duties to subordinates, who in turn apply the necessary skills as assigned.

In the case of a superintendent of a public school district, it might even be rare to be fully aware of categorical programs, together with all of the laws and regulations as well as curriculum applications for special needs students. Under Part C of the federal bilingual program, funding is provided for immigrant students in qualified school districts. Not all school districts have a need for participation in this program, and therefore it may be possible that not all superintendents are even aware of the program.

This paper addresses one element of educational concerns of which a superintendent with immigrant student populations needs to be aware, the Emergency Immigrant Education Act. Sections of this paper include: Background and Applications, Research Limitations, and Applications for the Superintendency.

Part I - Background and Applications

Immigration is an important issue in public education in this country. Immigrant students impact areas such as distribution of resources, curriculum development, pedagogy, and teacher preparation, not to mention the need to provide classroom space to a population which may not be contributing to the property tax base of a district. To address these needs in part, Title VII of the Elementary and Secondary Education Act was created in 1968 to provide funding for development of bilingual programs. It should be noted that "real progress in establishing and structuring programs was achieved through civil rights legislation" (Rivera-Batig, 1996) and significant litigation. In California, *Lau v. Nichols* in 1974 and in Colorado, *Keyes v. School District No. 1*, also in 1974, were followed by numerous other bilingual-oriented cases, preparing the way for the 1984 re-authorization of Title VII, together with the origination of the new Part C of Title VII, the Emergency Immigrant Education program. Title VII was again re-authorized in 1994, and subsumed under the new *Improving America's Schools Act*.

Beginning in 1984, and continuing for ten years, immigrant education funding under Part C was fairly level, at approximately $30 million per year. However, as immigrant students continued to stream into the country, particularly following the Mariel boat-lift of Cuban refugees, the per-student allocation dropped. Serving 348,000 students in 1984, the $30 million allocation equaled $86 per student, but as the funding remained level and student populations rose to 826,000 in the 1993-94 school year, the per-student allocation equaled $36. In more recent years, allocations have risen, to $100 million in 1995, 1996, 1997, and $150 million each in 1998 and 1999.

The purpose of the Act is to "assist eligible local education agencies (LEA's) that experience unexpectedly large increases in their student populations due to immigration." This funding is provided in order to (a) provide high quality instruction to immigrant children and youth and (b) help such children and youth with their transition into American society and (c) meet the same challenging state performance standards expected of all children and youth (Public Law 103-382, Title VII, Part C, Sec. 7301-(b)).

To do so, states and their local education agencies are offered wide latitude in application of those funds. Flexibility in the Act was achieved by the encouragement of school districts to manage the individual variations in programmatic needs faced by their respective populations (see, for example, Sec.7307, "Use of Funds"). Such flexibility can be problematic for researchers who wish to determine a link between the dollars and student productivity.

Who are these students served by the Act? In the 1996 Biennial report to Congress, 736,500 students were served in the 1992-1993 school year, rising to 767,166 in the following year. Where do they come from? Over 50% come from Spanish-language countries, led by Mexico (at 41% of the total), while more than 20% of the remainder come from Asiatic-language countries (including the former USSR). Less than 3% come from English-language countries (US Dept. of Education, "Biennial Report to Congress on the EIEP," 1996). For 1994, immigrants aged 15 years to 29 years were about 34% of the total, and those under age 15 years were about 21% of the 804,416 legally admitted that year. Those percentages remained consistent through 1995 and 1996, as total immigration rose to 915,900 in 1996 (US

Dept of Justice, Immigration and Naturalization Service, "Immigration in FY 1996," www.ins.usdoj.gov).

Most of the immigration to this country is legal and documented; all of the numbers above are based on legal-entry figures provided by the Immigration Naturalization Service. There are about 25 million immigrants living in the United States today, and it is estimated that only about 1% of them are undocumented. Twenty-five million immigrants may sound high, but it is less than 10% of the total population, nearly a historic low for this country (Kellam and Vargas, 1998).

The bulk of the in-flow is targeted at just six states: California receives just over 30%, with New York, Florida, Texas, New Jersey and Illinois together receiving another 41%, and the remainder going out to the rest of the states (INS, 1996; Dept. of Ed., Biennial Report, 1996). Due to the nature of the immigration laws, "once immigrants reach the US, family and social networks are the primary determinants of where they will settle" (Kellam and Vargas, 1998). The effect on schools and districts is inescapable.

As demonstrated by the countries of origin shown above, educational issues such as limited English proficiency may become inextricable from issues of immigration. Therefore, it is important to know how Emergency Immigrant Education Program (EIEP) funds are being applied. Nationally, about 79% is used for "supplementary educational services", including direct instruction in English as well as bilingual educational programs and supplies. About 14% is used to provide "additional basic instructional services" including construction, materials, and transportation, with the remainder going about half each to inservice training and administration (Dept. of Ed., Biennial Report, 1996).

What do we know about immigrant students "as students"? How are cognitive and pedagogical concerns specific to immigrant students, useful in developing appropriate curriculum responses for these students education finance? These concerns impinge on the ways in which research in educational finance policy can and should be developed. While looking at the need for funding to provide equalized educational opportunities for immigrant students, it may be of

concern to district administration to ask where and how the funds are applied. Perhaps additional research questions then will arise, such as the equity, access, adequacy, and efficiency issues on which educational finance and educational policy researchers often focus. Again, under EIEP, there are significant difficulties in researching and responding to these issues, primarily due to the way in which the law is written.

Delia Pompa, Director of OBEMLA, testified in March 1998 before Congress that "LEP students do not all come to our schools with the same needs. They come to our schools with different levels of proficiency and educational achievement. One instructional model will not address the needs of all children" (Dept. of Ed., OBEMLA, 1998). She is absolutely correct as far as that goes, but instructional models are not the worry; the issue is appropriateness of outcomes, for which there is no standard.

Part II - Research Limitations

If legislators are to determine the impact of federal funding on special populations, they need research data that addresses how these populations are served and, if possible, what impact the funded programs have on student outcomes. In addition, education policy-makers and district administrators need research to help make decisions on how best to expend the limited resources we have.

Research for data to discern a correlation between dollars and student outcomes is problematic. What is it that makes the study of immigrant funding and student outcomes so difficult? Our analysis led us to discover numerous limitations specific to the issues of access, flexibility, and accountability.

Access

Not all immigrant students have access to immigrant funds, let alone equality of access.

a. The policy states that the funds are to be non-competitive with the allocation to be determined by the number of immigrant status students with a minimum of 500 or 3% of a district's population. What this means is that immigrant students who reside in LEAs that either do not qualify or do not apply for immigrant funding, will not receive any benefits from a program that targets them.

b. Even in LEAs receiving immigrant funds, the LEA's may use the funds to serve whatever portion of the immigrant population they choose. Many districts distribute EIEP funds to specific campuses rather than per capita. Immigrant students not attending those campuses are served with other types of funds or not at all.

Flexibility

Flexibility built into a policy can be a double-edged sword. For example:

a. LEAs are encouraged to combine EIEP funds with other funds that address the needs of immigrant students (such as Title I, Title VII Part A which is the bilingual portion of Title VII funds). Therefore, programs are funded by multiple sources. Separating the

"impact" of that which is funded by immigrant dollars is almost impossible.

b. In some districts, the EIEP funds are doled out according to personal relationships versus educational rationale, which may or may not have a positive impact on the educational outcomes of immigrant students in and out of such programs.

c. But flexibility can also be a desirable element in a policy. According to the Intercultural Development Research Association in San Antonio, Texas, we are, in many ways, working with an unidentifiable population in terms of student outcomes. In order to identify student outcomes, we must first be able to identify students. This is problematic because of regulations governing student records. But, many practitioners do not want to tie EIEP funds to student outcomes, but prefer funding flexibility to support other programs such as social services which can't be otherwise be funded.

Accountability

Accountability has been the most elusive part of this investigation.

a. Policy mandated assessment requires data from the entire immigrant population of the LEA whether or not immigrant students received direct services funded by EIEP. Therefore, when or if district-wide immigrant student outcomes are reported, and if this data is used to determine efficacy, it may be inappropriate.

b. Funded programs may include students with "like needs." Since the data from students with "like needs" is not included in district outcome data regarding EIEP funds, one would find an even greater discrepancy between the dollars and outcomes. Many immigrant students have "like needs" in terms of English language proficiency, creating a cross-program mixture of purposes and outcomes. This continues to confuse research outcomes.

c. LEAs determine their own needs assessments for immigrant students, but are not required, and in fact, do not remit these assessments to the state education agencies (SEAs). Since the states do not look at needs assessments, there is no central location where prioritized needs are aggregated and assessed, creating even greater difficulties in determining program effectiveness, student outcomes, and providing fundamental data for researchers.

d. The Texas Education Agency is not aware of any research for student outcomes of immigrant students who are actually receiving services from immigrant funds. Rather, the Agency requires student data from the entire student immigrant population for which an LEA qualifies. TEA does not assess programming in terms of student outcomes for those directly impacted by the EIEP funds. Because each school district in Texas develops its own needs assessment and then provides programming based on those needs, it may not be possible to separate immigrant funding from Title VII.

e. The Program Studies Division of the U.S. Department of Education reflects the TEA findings concerning separation of student needs and outcomes. Because of the low amount of money allocated, and the way immigrant funds are combined with other program funds, as well as the lack of information as to actual distribution, immigrant student outcomes cannot be discerned relative to EIEP funds.

Even with the numerous limitations related to access, flexibility, and accountability, we decided to investigate the possibility of a micro, or subset study on the district or campus level as suggested by the DOE

which might lead to the relationship between immigrant funds and student outcomes.

One example of how an LEA attempted to determine specific programmatic results funded by EIEP, occurred in an urban border district. We interviewed the Director of Bilingual Education in an urban school district on the US/Mexican border. The district has over 65,000 students, 3,000 of whom are designated as immigrant. Asked if there was a way in which we could acquire student outcome data for students who were actually served by EIEP funds, he said that he felt this would be impossible. He has been compiling the state required reports for 4 years and shared the following. The first year, all of the money was directed to one high school, but there were only 6 immigrants at that school that year. He called the state agency to see how the program should be assessed. The agency said that he was to compile data from all students who qualified for immigrant status and submit that data.

Another year, the funds were used to tutor students at several middle schools and one high school, but only a few students had been served.

The director said he had no idea, nor were there any records, of who these students were. In 1997-1998, funds were used for an end of year parent-child program at several elementary schools, and a parent-education program at two schools during the school year. Again, there are no records available, even on the campus level, as to the names of students or parents who participated in the programs. So much for subsets within that district, at least.

The challenge is to determine a way in which to research EIEP funding for any relationship to student outcomes. The DOE suggested that if the real issue is to educate students and get real help to real kids, we need to ask how does this program feed into the larger process. In policy terms, we can look at barriers, flexibility, coordination across programs, reports of effect.

The DOE has attempted to address issues of access, flexibility, and coordination across programs. In the Biennial Evaluation Report for Fiscal year 1993-94, the DOE stated that a "strength of this program was its flexibility in providing support for instructional activities and materials not available from other sources. This supports a wide

variety of process outcomes (from hiring classroom aides to purchasing instructional materials, to field trips to help students become familiar with their new country, to providing support for construction of education facilities) which can contribute to student education outcomes." The funds have become more "certain" since they were incorporated into the Improving America's Schools Act in 1994 and therefore LEA planning has been better facilitated. SEAs and LEAs have developed better data in order to identify immigrant students. Through our research we've found unresolved issues, including the development of reports of effects that provide a true picture of the relationship between immigrant funds and student outcomes.

We might look at the policy in terms of intended impact to determine whether or not there is real integrity and dedication to addressing the needs of this population. We can follow the distribution of funds, but we may never make linkages between inputs and outcomes. However we could link the distribution to efforts in combined ways to address educational outcomes.

What we have learned is that trying to determine the relationship between EIEP funds and student outcomes is not unlike looking for fish under a skating rink. Further research could be explored regarding policies at the macro level which reflect values such as equity in immigrant education programs. However, linking EIEP dollars to student outcomes is not feasible. Superintendents need to understand the needs of students, as well as the applicability of district programs to meet those needs. Research needs to be focused on how to make programs meet the needs of students. In areas such as the border region with large numbers of special needs students, such as immigrants, these issues are acute. The equitable distribution of funds is one aspect of research. The effective application of those funds is another. The superintendency must be concerned with both.

Applications for the Superintendency

As the "primary strategist" for the school district, the superintendent must be able to formulate major priorities, directions, general programs, projects and conceptualizations for the administration of the district's mission and goals (Feilders, 1982). "For every objective or program, the superintendent designs the general guidelines and rationales, determines priorities, obtains staff and board support", and provides the primary overview and administrative oversight (Feilders, 1982). Expectations for skills and experience range over a broad front. These include 1)"maximizing control over time and influence on policy" (Feilders, 1982), 2) focusing on key issues and communicating essential ideas, 3) demonstrating leadership and belief in the organizational outcomes (Sashkin and Walberg, 1993), 4) influencing the shape of public education in the community (Jackson, 1995), as well as instructional leadership, financial planning, legal compliance, community relations, and 5) organizational and resource planning (Blumberg and Blumberg, 1985).

Indeed, the listing of skills, qualifications, and expectations for competency of the superintendent, is lengthy and broad. Blumberg lists personnel relations, school board instruction and leadership, and management and leadership of complex organizations, among those previously listed (Blumberg and Blumberg, 1985). Jackson says superintendents must have skills similar to business executives, yet the role is "a unique responsibility" among American managerial roles (Jackson, 1995). This uniqueness stems from the varying constituencies to which the superintendent must pay attention: guardians of the public trust, leaders of the educational function of the community, responsible to parents, teachers, principals, students, unions, communities, businesses, and the school board. The superintendent must, at minimum, be prepared to prepare the school calendar, the annual budget, recruit and train employees, implement policies, comply with all legal requirements of state and federal education agencies, and serve as the chief executive officer of the school board and the district (Booth and Glaub, 1978). Langlois and McAdams (1992) describe the superintendent's responsibilities as extending "to all activities of the district, to all phases of the

educational program, to all parts of the physical plant", and to a list of some 25 other specific duties and skills.

Perhaps as states and local school districts move toward a more direct connection between curriculum and student performance, and as assessments are more focused on student outcomes (Elmore and Fuhrman, 1994) superintendents must begin to follow three trains of thought. These are re-creating the educational organization to provide more assistance to schools and less emphasis on bureaucracy; provide more and more-focused professional development; and design more effective communication for curriculum enhancement.

By so doing, superintendents will enhance systemic reform, push instruction and curriculum back to center-stage in educational organizations (Payzant, 1994). They will also enhance the inter-connectedness of the disparate elements of public schooling: "teaching, learning, governance, assessment, accountability, parent involvement, professional development, resource availability and allocation, and integration of services for children" (Payzant, 1994).

The inclusion of relatively small programs such as Title VII in large urban school districts may be benign or even irrelevant to some administrators. Within the framework of knowing, understanding, and executing the expectations and skills of the superintendency, Title VII is at the center of the inter-connectedness spoken of by Payzant. As states and federal agencies and parents and communities come to expect more and better performance from school systems, superintendents, both individually and through the systems they govern, must be responsive. One test of that responsiveness is the measure of achievement of students within school systems. In this research on immigrant students, achievement is directly tied to availability of programs and the construction and administration of programs serving immigrants. Surely, no superintendent can know everything, but within the skills needed to serve students and their parents, immigrant students can and must be included.

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